

REMARKS

Claims 1-18 are pending in the application. Claim 1 is currently amended. Applicant respectfully requests for allowance of all pending claims based on following discussions.

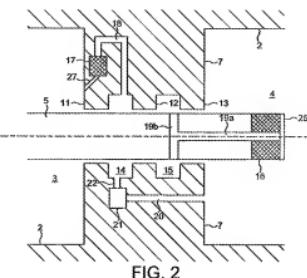
Rejections under 35 USC 102

Claims 1-18 are rejected under 35 USC 102(b) as being anticipated by US Patent No. 6,244,841 to Schofield et al. (hereinafter referred to as "Schofield").

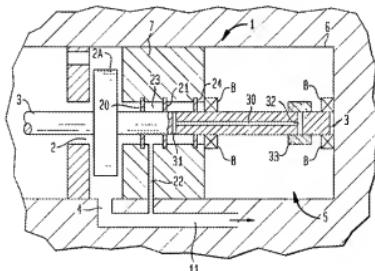
Claim 1, as amended, is directed to a vacuum pump comprising: a pumping mechanism; a drive shaft for driving the pumping mechanism; a gear box connected to the drive shaft for rotating the drive shaft; and pressure control means defining a path to allow fluid to flow from the pumping mechanism to the gear box to reduce the pressure difference therebetween, and, located in said path, a reservoir for collecting oil passing via a fluid passage (*emphasis added*) along the drive shaft from the gear box towards the pumping mechanism so that, in use, pressurised fluid flowing from the pumping mechanism towards the gear box urges oil collected in the reservoir towards the gear box via a conduit separate from and other than the fluid passage along the drive shaft (*emphasis added*).

The amended claim limitation "*pressurised fluid flowing from the pumping mechanism towards the gear box urges oil collected in the reservoir towards the gear box via a conduit separate from and other than the fluid passage along the drive shaft*" is supported by the specification of the invention. When the gas pressure in swept volume 3 exceeds that in gear box 4 by a certain amount, the high gas pressure urges oil collected in reservoir 14 through valve 21 via conduit 20 back to gear box 4. *See, page 5, line 21 –*

2, conduit 20 is separate from and other than a fluid passage along drive shaft 5, i.e. the passage partially defined by the axial clearances between drive shaft 5 and restrictions 11, 12 and 13.



Schofield does not teach the claim limitation “pressurised fluid flowing from the pumping mechanism towards the gear box urges oil collected in the reservoir towards the gear box via a conduit separate from and other than the fluid passage along the drive shaft.” The Examiner equates the space between seals 21 and 24 in Schofield to the claimed reservoir, and the gap between seal 24 and drive shaft 3 in Schofield to the claimed path along the drive shaft. *See, the Office Action, paragraph 4.* However, Applicant respectfully submits that Schofield does not teach that the fluid in the reservoir is urged back into the gear box via a conduit separate from and other than the passage along the drive shaft. As shown in FIG. 3 of Schofield, the oil collected in the space between seals 21 and 24 is urged back to the gear box 5 via a passage along the drive shaft 3. It is noted that bore 30



Application No.: 10/578,544

Amendment dated August 23, 2010 Reply to Office Action of March 23, 2010

Attorney Docket No.: M03B167

is not suitable to serve as a return path for oil, because filter 33 would prevent oil from passing therethrough. *See, col. 6, lines 6-9.*

As such, claim 1 is not anticipated by Schofield under 35 USC 102. Accordingly, claims 2-18 that depend from independent claim 1 and include all the limitations recited therein are not anticipated by Schofield, either.

CONCLUSION

Applicant has made an earnest attempt to place this application in an allowable form. In view of the foregoing remarks, it is respectfully submitted that the pending claims are drawn to a novel subject matter, patentably distinguishable over the prior art of record. Examiner is therefore, respectfully requested to reconsider and withdraw the outstanding rejections.

Should Examiner deem that any further clarification is desirable, Examiner is invited to telephone the undersigned at the below listed telephone number.

Applicant does not believe that any additional fee is due, but as a precaution, the Commissioner is hereby authorized to charge any additional fee to deposit account number 50-4244.

Respectfully submitted,

By: Ting-Mao Chao, Reg. No. 60,126/
Ting-Mao Chao
Attorney for Applicant
Registration No. 60,126

Edwards Vacuum, Inc.
Legal Service – Intellectual Property
2041 Mission College Blvd. Suite 260
Santa Clara, CA 95054

TEL: 1-408-496-1177 ext. 2222
FAX: 1-408-496-1188

Customer No.: 71134